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10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF CALIFORNIA**

12 MARIBEL VASQUEZ and JOSEPH RIOS, ) Case No. 1:23-cv-01652-JLT-SKO  
13 Plaintiffs, )  
14 v. ) **ORDER GRANTING UNITED  
15 KAWEAH HEALTH MEDICAL CENTER; ) STATES' MOTION TO  
16 EVA HIRWE, M.D.; SHAMIKA BANKS, ) SUBSTITUTE, DISMISS UNDER  
17 M.D.; and DOES 1 to 250, inclusive, ) FEDERAL RULES OF CIVIL  
18 Defendants. ) PROCEDURE 12(b)(6), AND  
19 ) REMAND  
20 ) DATE: January 12, 2024  
21 ) TIME: 9:00 A.M.  
22 ) COURT: Ctr 4, 7th Floor  
23 ) Hon. Jennifer L. Thurston**

24 The United States having filed a Notice of Motion and Motion to Substitute, Dismiss Under  
25 Federal Rules of Civil Procedure 12(b)(6), and Remand, Dkt. 9, and Plaintiff having filed a non-  
26 opposition, Dkt. 11-13, and for good cause shown, IT IS ORDERED:  
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28 1. The United States' motion to substitute itself in place of Dr. Hirwe is granted;  
29 2. The United States' motion to dismiss the claims against Dr. Hirwe and the United  
30 States pursuant to Rule 12(b)(6) are granted and all claims against Dr. Hirwe and the United States  
31 are dismissed without prejudice; and

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1       3. The United States' request for remand of the remaining claims against the non-Federal  
2 defendants, with the approval of the Plaintiff, is hereby granted and the case against the non-Federal  
3 defendants is remanded to Tulare County Superior Court.

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5 IT IS SO ORDERED.  
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7       Dated: January 17, 2024  
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UNITED STATES DISTRICT JUDGE